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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rodger Williams　　　　　　Examiner: Shapiro, Jeffrey A.
Serial No. 09/840,469　　　　　　　　　　　　　Art Unit: 3653
Filed: 04/23/2001
For:　　**MULTIPLE BROWSER INTERFACE**

Mail Stop Appeal Brief – Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA　22313-1450

Sir:

　　　　The present **APPEAL BRIEF** is filed in triplicate pursuant to 37 C.F.R. § 1.192.
Appellant also encloses a credit card form authorizing payment in the amount of $500.00 as
required by 37 C.F.R. § 1.17(c).　If any additional fees are required in association with this
appeal brief, the Director is hereby authorized to charge them to Deposit Account 50-1732, and
consider this a petition therefor.

APPEAL BRIEF

(1) REAL PARTY IN INTEREST

　　　　The present application is assigned to Gilbarco Inc. of 7300 West Friendly Avenue,
Greensboro, North Carolina 27410, which is a wholly owned subsidiary of Danaher Corporation
of 2099 Pennsylvania Avenue, Washington, DC 20006 (stock symbol DHR).

(2) RELATED APPEALS AND INTERFERENCES

　　　　There are no related appeals or interferences to the best of Appellant's knowledge.

(3) STATUS OF CLAIMS

　　　　Claims 1, 4-9, 11-21, and 28-33 are pending and rejected, with the rejection made final.
Claims 1, 4-9, 11-21, and 28-33 form the basis of this appeal.

　　　　Claims 2 and 3 are pending, but withdrawn subject to the allowance of a generic claim.

　　　　Claims 10 and 22-27 have been canceled.

(4) STATUS OF AMENDMENTS

Appellant amended claims 1, 5, 9, 11-15, 20, 29, 32, and 33 in the response filed February 15, 2005. The Advisory Action of March 2, 2005 does not indicate whether the amendments filed on February 15, 2005 have been entered or not.

A Supplemental Advisory Action was mailed April 28, 2005 indicating that the amendments filed February 15, 2005 would be entered for the purposes of appeal. Based on the Supplemental Advisory Action, Appellant understands that all amendments have been entered at this time.

(5) SUMMARY OF THE INVENTION

The present invention is designed to provide multiple browsers on a kiosk (10K), and more particularly, a fuel dispenser (10). Specifically, most fuel dispensers have two fueling stations. Each fueling station has respective fuel delivery lines (paragraph 0020) and a user interface (16). The user interface has a fueling transaction display (20), a keypad (26), a secondary display (22), various other peripherals (28), and a browser display (38) on which a browser application may be seen. A kiosk/fuel dispenser user interacts with the browser application through a keypad (24), a touch screen, or other input device.

A problem arises in controlling the plurality of browsers of the fuel dispenser or kiosk. In conventional arrangements, each browser application has its own display controller. This arrangement results in duplicated hardware which in turn raises the cost of the fuel dispenser or kiosk.

The present invention solves this problem by providing a kiosk with a single display controller (40). The display controller has a CPU (74) and software (76) that are capable of controlling multiple browser applications independently of one another (paragraphs 0029 and 0034). In particular, the display controller operates with a control application (36A) to deliver content to the different browsers. In a particularly contemplated example (paragraph 0033), specific content tied to a specific point in a fueling transaction is provided on one side of the fuel dispenser, and preliminary advertisements and fueling instructions are provided on the opposite side of the fuel dispenser while the opposite side is idle. The single display controller is capable of running the multiple browsers by using an addressing scheme wherein the display controller has a single Internet Protocol (IP) address and each of the browser applications has a unique port

associated with the IP address (paragraph 0042). In this manner, the appropriate instructions can be matched to the corresponding display and browser application.

(6) ISSUE

Whether claims 1, 4-9, 11-21, and 28-33 are unpatentable under 35 U.S.C. § 103 as being obvious over Coppola et al. in view of Devine et al. and further in view of Kohut et al.

(7) GROUPING OF CLAIMS

Claims 1, 4-9, 11-21, and 28-33 stand or fall together.

(8) ARGUMENT

A. Introduction

The Patent Office has improperly combined references in formulating the rejection. Even if the combination of references is proper, the combination does not show the control system of the display controller "running" browser applications. While the Patent Office has pointed to an element within Devine et al. that the Patent Office asserts is a display controller, this element, under any reasonable interpretation of the claim term "run", does not teach the recited claim element. The Patent Office's evidence to support its position an impermissible extraction of a single line of a reference out of context. For these reasons, Appellant requests that the Board reverse the Examiner and instruct the Examiner to allow the pending claims.

B. Summary of References

1. U.S. Patent No. 6,360,138 to Coppola et al.

U.S. Patent No. 6,360,138 to Coppola et al. (hereinafter "Coppola") discloses a fuel dispensing system with a dispenser manager 70 that controls two customer access terminals 72, 74 and the dispenser hydraulic control unit 80. Each customer access terminal 72, 74 includes a graphics display 90. The dispenser module 70 drives the graphics display on each of the two customer access terminals 72, 74 and executes a browser task.

2. U.S. Patent No. 6,763,376 to Devine et al.

U.S. Patent No. 6,763,376 to Devine et al. (hereinafter "Devine") discloses in Figure 2, on the bottom center of the page (if the page is oriented vertically), a frame router that is connected via a FrameRelay line to a Frame NAT/Router. The Frame NAT/Router is connected

to two computer icons by an unlabeled network. Underneath each of the two computer icons is the word "Browser". These elements fall under the section of Figure 2 labeled "customer 210". At col. 8, lines 31-44, Devine states: "Since Frame Relay supports multiple PVSs [sic] the customer may also use their Frame Relay NAT/Router to simultaneously connect to the public Internet over a separate [permanent virtual circuit] PVC as negotiated with their ISP which is preferably MCI."

3. U.S. Patent No. 6,338,008 to Kohut et al.

U.S. Patent No. 6,338,008 to Kohut et al. (hereinafter "Kohut") discloses a fuel dispenser with fueling stations on either side of the fuel dispenser.

C. Standards for Establishing Obviousness

1. The Statute

Section 103(a) of the Patent Act provides the statutory basis for an obviousness rejection and reads as follows:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The Interpretation of 35 U.S.C. § 103(a)

Courts have interpreted 35 U.S.C. § 103(a) as a question of law based on underlying facts. As the Federal Circuit stated:

> Obviousness is ultimately a determination of law based on underlying determinations of fact. These underlying factual determinations include: (1) the scope and content of the prior art; (2) the level of ordinary skill in the art; (3) the differences between the claimed invention and the prior art; and (4) the extent of any proffered objective indicia of nonobviousness.

Monarch Knitting Mach. Corp. v. Sulzer Morat GmBH, 45 USPQ2d 1977, 1981 (Fed. Cir. 1998) (internal citations omitted). The inquiry in this case is whether the references cited by the Patent Office are properly combinable, and if so, whether the contents thereof teach or suggest all the claim elements.

3. There Must be a Factually Supported Motivation to Combine the References

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It is well recognized that almost every invention is a combination of elements from the prior art. *Ryko Mfg. Co. v. Nu-Star, Inc.*, 950 F.2d 714, 718 (Fed. Cir. 1991). Part of what makes an invention patentable is that it would not have been obvious to one of ordinary skill in the art to combine the references in the manner claimed. The Federal Circuit has cautioned that the references may not be gathered with the claimed invention in mind. *Pentec, Inc. v. Allen*, 776 F.2d 309, 313 (Fed. Cir. 1985). To help avoid the insidious call of hindsight reconstruction, the Federal Circuit has mandated that when the Patent Office proposes combining or modifying references, the Patent Office must articulate some reason why the combination or modification is desirable. Furthermore, this reason must be supported by actual evidence. *In re Dembiczak*, 175 F.3d 994, 999 (Fed.Cir. 1999); *see also In re Lee*, 277 F.3d 1338, 1343-44 (Fed. Cir. 2002). "That knowledge may have been within the province of the ordinary artisan does not in and of itself make it so, absent clear and convincing evidence of such knowledge." *Smiths Indus. Medical Sys., Inc. v. Vital Signs, Inc.*, 183 F.3d 1347 (Fed. Cir. 1999). The Federal Circuit acknowledges that the range of sources from which the motivation may come is broad, but emphasized that the range of sources available does not diminish the requirement for actual evidence. *In re Dembiczak* at 999. The Patent Office has not advanced proper motivations to combine the various references.

4. Each Element of the Claim Must be Taught or Suggested by the Combination

Once the references are properly combined, the combination must teach or suggest every element recited in the claims to establish *prima facie* obviousness. *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974); MPEP § 2143.03. When determining whether a combination teaches or suggests a claim element, unless the applicant has specifically defined a claim term in the specification, the Patent Office is entitled to give claim terms "the broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000) (citation omitted). While a broad interpretation is permitted, not only must the interpretation be consistent with the specification, "this interpretation must be consistent with the one that those skilled in the art would reach." *In re American Academy of Science Tech Center*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citation omitted).

Keeping in mind the "reasonableness" restrictions placed on the Patent Office when construing a claim element, a single line in a reference should not be taken out of context and relied upon with the benefit of hindsight to show obviousness. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443 (Fed. Cir. 1986). By analogy, a single icon and word in a Figure of a reference should not be taken out of context and relied upon with the benefit of hindsight to show obviousness. Claim elements may be suggested explicitly or implicitly. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). The Patent Office must provide particular findings with regard to a suggested showing. Broad conclusory statements standing alone are not sufficient. *Id.* "If the PTO fails to meet this burden, then the Appellant is entitled to the patent." *In re Glaug*, 283 F.3d 1335, 1338 (Fed. Cir. 2002). When the appropriate reasonableness standard is applied, the display controller with a control system that runs the browser applications is not shown and the Patent Office has not established *prima facie* obviousness.

D. Argument

1. The Patent Office Has Improperly Combined the References

The Patent Office relies on a combination of three references in its attempt to establish obviousness. As noted above, to combine references, the Patent Office must articulate a motivation and then support the motivation with actual evidence. *In re Dembiczak.* The Patent Office has failed to provide the requisite actual evidence to support the motivation to combine the references.

In particular, the Patent Office states that the "suggestion/reason for using two points of sale on a single fuel dispenser would have been to increase throughput of the fuel station, as one ordinarily skilled in the art would recognize."[1] This articulated motivation lacks any evidentiary support. Since this articulated motivation lacks the requisite evidentiary support, the combination of Kohut with the other references is improper. In response to Appellant's previous arguments on this point, the Patent Office responds:

> Kohut is simply used to obtain a teaching for using a fuel dispenser having two points of sale on Coppola's single fuel dispenser. The motivation to one ordinarily skilled in the art to do this is simply to increase throughput of the fuel

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[1] Office Action of December 22, 2004, page 3, lines 10-12.

station, as would have been logical for one ordinarily skilled to recognize given the Kohut's teaching.[2]

The Federal Circuit has not recognized "logic" as a basis for evidentiary support for a motivation to combine. In fact, the Federal Circuit has explicitly rejected "common sense" and "common knowledge" as appropriate bases for support of combinations. *In re Thrift*, 298 F.3d 1357 (Fed. Cir. 2002); *In re Lee*. Since the Patent Office's evidence falls short of that required by the Federal Circuit to support the motivation to combine the references, the motivation is improper. Since the motivation is improper, the combination is improper. Since the rejection is based on the combination of the three references, the rejection is improper. In particular, without Kohut, the Patent Office has not shown where in the combination of Coppola and Devine a kiosk with two browser applications run by a single display controller is shown.

Since the rejection is improper, Appellant requests that the Board reverse the Examiner and instruct the Examiner to allow the claims.

2. The Combination Does Not Show the Claimed Invention

Even if the combination is proper, a point which Appellant does not concede, the combination of references does not teach or suggest the claimed invention. In particular, the combination of references does not show a display controller with the elements and functions recited in the claims. Claim 1 is illustrative of this issue and is set forth in the margin for convenience.[3] The Patent Office asserts that the Frame/NAT router in Figure 2 of Devine is equivalent to Appellant's display controller.[4] Thus, to match with Appellant's claim 1, the Frame/NAT router in Figure 2 of Devine must have a control system that performs certain functions and must be assigned "one Internet Protocol (IP) address and each of the browser applications is assigned a unique port associated with the IP address." The Patent Office's

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[2] Office Action of December 22, 2004, page 6, lines 3-6.
[3] 1.   A system for providing a multiple browser interface comprising:
    a) a plurality of displays with associated input devices; and
    b) a display controller associated with said plurality of displays, said display controller comprising:
        i) communication electronics for communicating with a server running a control application; and
        ii) a control system associated with said communication electronics and adapted to:
            1) run browser applications for each of said plurality of displays;
            2) receive input from each of said associated input devices and provide the input to the control application; and
            3) receive instructions for said browser applications from the control application; and
   wherein said display controller is further assigned one Internet Protocol (IP) address and each of the browser applications is assigned a unique port associated with the IP address.
[4] Office Action of December 22, 2004, page 2, lines 16-18.

analysis on these issues is deficient. In the primary portion of the rejection in the Office Action of December 22, 2004, the Patent Office states "Applicant's display controller is equivalent to the Frame NAT/Router, since it is taking the web information having a unique address and directing it to either of the browsers by a unique port ID. This is how the system must work."[5]

Appellant traverses this rejection. First, there is no evidence that the system must work this way. This assertion is, in essence, an assertion that Devine inherently teaches that "said display controller is further assigned one Internet Protocol (IP) address and each of the browser applications is assigned a unique port associated with the IP address." For the Patent Office to assert inherency, the allegedly inherent attribute must necessarily be present in the reference. Furthermore, extrinsic evidence must make it clear that the missing descriptive matter is necessarily present in the thing described in the reference. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999) (citation omitted). The fact that a certain thing may result from a given set of circumstances is not sufficient to establish inherency. *Id.* (citation omitted).

The record has no evidence to support the Patent Office's assertion that the system must work this way. Rather, it is possible that each of the computer icons in Figure 2 of Devine have their own IP address and the router merely directs packets to the appropriate computer based on the IP address. Since an alternative possibility exists, the Frame NAT/Router of Devine does not have to work in the manner asserted by the Patent Office. To this extent, Devine does not necessarily teach the recited claim element. Since Devine does not necessarily teach the recited claim element, and the other references of record also do not teach or suggest the recited claim element, the combination does not teach or suggest the recited claim element. Since the combination does not teach the recited claim element, the Patent Office has not established *prima facie* obviousness. Since the Patent Office has not established obviousness, the claims are allowable for this reason. Appellant requests that the Board reverse the Examiner on this issue and instruct the Examiner to allow the claims.

Second, even if Devine teaches that the Frame NAT/Router has the addressing scheme recited in the claims, the Frame NAT/Router of Devine does not have the other attributes of the display controller recited by the claims. Specifically, the claims recite that the display controller has a control system that runs browser applications for each of the displays. Since Appellant does not specifically define "run browser applications", the Patent Office is entitled to interpret

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[5] Office Action of December 22, 2004, page 2, lines 17-20.

the claim term broadly, subject to the limitation that the interpretation must be reasonable and consistent to that which one of ordinary skill in the art would impart to the claim term. *In re American Academy of Science Tech Center; In re Hyatt.*

The Patent Office's rejection implicitly asserts that it is reasonable to take three icons and three labels relating to those icons from amongst a full page, cluttered Figure, and extrapolate therefrom that the Frame NAT/Router "runs" the browser applications. This implicit assertion is not supported by the evidence of record, nor is it a reasonable interpretation of the word "runs". As is readily apparent from Figure 2, the Frame NAT/Router is connected by an unlabeled set of lines to two computer icons, each of which is labeled "browser" and appears in the "customer 210" portion of the Figure. The text describing this portion of Figure 2 is terse and not particularly insightful, but can be found at col. 8, lines 36-56, set forth in the margin for convenience.[6] Nothing in the Figure or the text indicates explicitly that the Frame NAT/Router runs the browsers. Rather, the use of a computer icon in Figure 2 suggests that a computer, perhaps akin to the workstation 140 illustrated in Figure 1 of Devine, executes the web browser.

The Frame NAT/Router is merely described as connecting the customer to the public Internet. While "run" is not explicitly defined in Appellant's specification, to someone skilled in the art, "run" implies some form of execution and not merely a conduit through which instructions are passed. Thus, the Patent Office's interpretation of "run" to include the functionality of the Frame NAT/Router is so broad that it becomes unreasonable when considered from the point of view of someone skilled in the art. To date, the Patent Office has not provided any evidence that someone skilled in the art would construe the conduit functions of the router to be the same as "running" an application. In short, the Patent Office is extracting

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[6] Devine, col. 8, lines 36-56 states:

> The third type of direct access supported by Starbucks is direct Frame Relay access which will connect a customer's Ethernet or similar LAN to the MSV web servers using a 1.54 Mbit/second Frame Relay Permanent Virtual Circuit (PVC) and an MCI specified Network Address Translator (NAT)/Router. Since Frame Relay supports multiple PVSs the customer may also use their Frame Relay NAT/Router to simultaneously connect to the public Internet over a separate PVC as negotiated with their ISP which is preferably MCI.
>
> In one implementation, the customer account representative will order the Frame Relay service by selecting the "Hyperstream Frame Relay" MCI product from the MCI Product Library. After securing HyperStream service the account rep. will then contact MSV 1.sup.st level support for PVC assignment and NAT translation specification, etc. MSV 4.sup.th level support will actually configure and issue address assignments, etc. for 1.sup.st level support to give to customers. A nominal, flat, monthly billing fee will be charged to Starbucks Frame Relay customers. This charge will be separate and possibly different from the dialup modem and ISDN charge.

an isolated portion of one Figure and asserting that it teaches the claim element without analyzing how the isolated portion teaches the attributes of the claim element. This selective extraction is directly analogous to the selective extraction of a single line of text in *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.* Since the rest of Devine teaches that the customer uses a computer to execute a browser application (e.g., workstation 140), it is reasonable to conclude that the computer icons are separate operating devices with control operating systems that execute the browser application. Since the computers' control and operating systems execute the browser applications, it is the unlabeled computers which run the browser applications, not the Frame NAT/Router as asserted by the Patent Office. Since the Frame NAT/Router does not run the browser applications, the Patent Office's construction of the reference does not show the claim element for which it is cited. Since Devine does not show the claim element for which it is cited, the combination does not teach or suggest all the elements. Since the combination does not teach or suggest all the claim elements, the Patent Office has not established obviousness. Since the Patent Office has not established obviousness, the claims are allowable. Appellant requests that the Board reverse the Examiner and instruct the Examiner to allow the claims.

Appellant further notes that the Patent Office's Response to Arguments section presented in the Office Action of December 22, 2004 contradicts itself without any explanation as to how the various theories of rejection interrelate. Specifically, it is unclear if these various theories are listed in the alternative or if they are supposed to complement each other. Appellant repeats and supplements its arguments presented in the Response filed February 15, 2005. The Advisory Action does not address these arguments. In the event that the Examiner's Answer provides further clarification on these issues, Appellant reserves the right to address such in the Reply Brief.

The Patent Office states:

> Each browser is presented on a display (see again figure 2) which is connected to the server through the router. The software to run the application resides on the server. Again, see Devine, col. 10, line 35. This is the same structure as Applicant's structure as illustrated in Applicant's figure 1, which shows server (36) and display controller (40). See also Devine, col. 10, lines 20-30, which describes that either a single server machine (called "vertical") can be used instead of multiple server machines ("horizontal").[7]

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[7] Office Action of December 22, 2004, page 4, lines 6-12.

The statement that the software to run the application resides on the server contradicts the Patent Office's earlier assertions. Specifically, the claims recite that the display controller has a control system that runs the browser applications and the Patent Office stated that the Frame NAT/Router was the display controller. The Patent Office must decide whether the software on the server or the Frame NAT/Router is treated as Appellant's display controller.

Even if Devine does show Appellant's Figure 1, a point which Appellant does not concede, alleged limitations from Figure 1 cannot be imported into the clear language of the claim. The Patent Office has elsewhere asserted that the display controller of the claims is the Frame NAT/Router of Devine. If, as the Patent Office now states, the software that runs the browser applications is on the server, then the Frame NAT/Router cannot satisfy the recited claim element. Likewise, if the statement that the servers run the browser application is meant to indicate that the servers are the display controllers of the claim, then there is no element that corresponds to the server of the claim (see element "i" of claim 1). Either way, the Patent Office's statement about the software running the application does not teach or suggest the claim element recited in the claims.

The Patent Office goes on to state:

> Alternatively, one ordinarily skilled in the art would recognize that it would have been obvious to reside software for running the application on either the router itself, or on a remote server, or the display/machine (CPU). The motivation to use any of these schemes (vertical or horizontal) would have been to provide "scalability" of the web server. Regardless of where the application software resides, it must be controlled. Also, the router can be construed as the display controller. This situation is much the same as splitting a cable input for broadband cable through a router so as to provide broadband cable input to multiple machines/displays. Such structures having the application reside on a remote server or having the browser application run on a single router can be construed to be functional equivalents to each other. The router is the display controller and controls the sending of information to and from the machine/display. This is how browser applications are run on multiple machines/displays through a single router, through horizontal server scalability, for example, as is well-known in the art.[8]

As Appellant previously argued, the location of the software running the application is not germane to the question of where the control system that "runs" the browser is located. The

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[8] Office Action of December 22, 2004, page 4, line 13 - page 5, line 4.

claim recites that the control system that runs the browser is on the display controller. Devine does not teach this arrangement, but rather runs the browsers on the distinct computers. The Patent Office's assertion that Devine could be modified is also not supported with the requisite actual evidence. *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000). In terms of the comparison to a cable splitter or a router for a cable modem, such splitters and routers do not have the intelligence to run a browser. Appellant discussed this with the Examiner during the telephonic interview of February 3, 2005 and respectfully maintains that there is no evidence in the record that teaches or suggests such splitters or routers having the intelligence or processing capability to be a display controller that has a control system that runs the browsers. While the router may control the sending of information to the browsers, this is not "running" the browsers as recited in the claims.

The Patent Office then states:

> Applicant's specification at p. 7, lines 13-18 states that "the display controller runs browser applications for the respective browser displays (38) and ensures that requests for web content are associated with the proper browser display, if necessary, and directs web content to the proper browser display (38) upon receipt from the server (36)."
> Applicant's specification at p.7, lines 23-27 indicate that "the server (36) typically runs a control application (36a) (see figure 4) and a web server application (36a) using the client-server model to control the display controller (40) and serve files that form web pages to the browser applications."
> These two passages from Applicant's specification describe exactly the structure and functions of Devine's system, as has been described previously. Again, see figure 2 of Devine. Note also that the Frame router and the Frame NAT/Router can be construed as the display controller as well.[9]

While Appellant's disclosure does show a client-server relationship, and Devine shows a client-server relationship, the similarity ends there. Appellant's client, as indicated in the claims (and without importing limitations from the specification into the claims as the Patent Office is attempting to do), has a display controller with a control system that runs browser applications. Devine's structure does not show the Frame NAT/Router running the browser applications. The Patent Office has not shown any evidence that the Frame NAT/Router, which the Patent Office identifies as the display controller, "runs" the browser application as that term would be

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[9] Office Action of December 22, 2004, page 5, lines 5-17.

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understood by someone of ordinary skill in the art. To this extent, the Patent Office's creation of parallels between Appellant's disclosure and Devine fails to establish obviousness.

While it is unclear if any of the passages in the Response to Arguments section of the Office Action of December 22, 2004 are being used to supplant the Patent Office's analysis of the rejection in the primary portion of the Office Action, the fact remains that these passages and arguments do not establish obviousness. To the extent that the Response to Arguments section represents a rejection of the claims, Appellant requests that the Board reverse the Examiner and instruct the Examiner to allow the claims.

E. Conclusion

The Patent Office has improperly combined the references since the Patent Office has not provided the requisite evidence to support the combination of references. Since the combination is improper, the rejection is improper. Further, even if the combination is proper, the combination does not teach the explicitly recited claim element indicating that the display controller comprises a control system adapted to run browser applications. The Patent Office's use of the Frame NAT/Router of Devine does not show this element, and the Patent Office's use of the server software of Devine does not show this element. Only by misconstruing the word "run" beyond what someone of ordinary skill in the art would consider reasonable is the Patent Office able to construct the rejection. When the proper interpretation of "run" is applied, the Patent Office has not shown the element. Since the Patent Office has not shown the element, the Patent Office has not established obviousness. Since the Patent Office has not established obviousness, the claims are allowable. Appellant requests that the Board reverse the Examiner and instruct the Examiner to allow the claims.
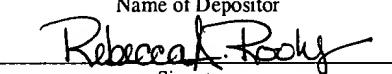
Respectfully submitted,

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Date: May 11, 2005
Attorney Docket: 2400-667

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(9) APPENDIX

1. A system for providing a multiple browser interface comprising:

    a) a plurality of displays with associated input devices; and

    b) a display controller associated with said plurality of displays, said display controller comprising:

        i) communication electronics for communicating with a server running a control application; and

        ii) a control system associated with said communication electronics and adapted to:

            1) run browser applications for each of said plurality of displays;

            2) receive input from each of said associated input devices and provide the input to the control application; and

            3) receive instructions for said browser applications from the control application; and

    wherein said display controller is further assigned one Internet Protocol (IP) address and each of the browser applications is assigned a unique port associated with the IP address.

2. (Withdrawn) The system of claim 1 wherein said plurality of displays and said display controller are mounted to a fuel dispenser.

3. (Withdrawn) The system of claim 2 wherein each of said plurality of displays is positioned to face opposing fueling positions.

4. The system of claim 1 wherein said plurality of displays and said display controller are mounted to a kiosk.

5. The system of claim 1 further comprising the server, wherein the server is remote from said display controller and adapted to run said control application.

6. The system of claim 5 wherein the server is further adapted to run a web server application configured to provide content to the browser applications of the display controller.

7. The system of claim 5 wherein said control application is adapted to process the input and provide certain of the instructions for a corresponding one of the browser applications.

8. The system of claim 5 wherein said control application is adapted to provide certain of the instructions for a corresponding one of the browser applications based on events or instructions unrelated to the input.

9. The system of claim 1 wherein, for each of said browser applications, said control system is further adapted to provide a request for content from a web server based on the instructions; receive the content in response to the request for content; and display the content on a corresponding one of said plurality of displays.

11. The system of claim 1 wherein said associated input devices include keys on at least one of said plurality of displays.

12. The system of claim 1 wherein said associated input devices include a touch screen configuration for at least one of said plurality of displays.

13. A system for providing a multiple browser interface comprising:
    a) a plurality of displays with associated input devices; and
    b) a display controller associated with said plurality of displays, said display controller comprising:
        i) communication electronics for communicating with a server running a control application; and
        ii) a control system associated with said communication electronics and adapted to:
            1) run browser applications for each of said plurality of displays;
            2) receive input from each of said associated input devices and provide the input to the control application; and

3) receive instructions for said browser applications from the control application;

said display controller further assigned one Internet Protocol (IP) address and each of the browser applications is assigned a unique port associated with the IP address; and

wherein said communication electronics are wireless communication electronics adapted to provide wireless communications with the server.

14. A method of supporting multiple browsers comprising:

running browser applications for each of a plurality of displays associated with input devices at a first location with a single display controller;

assigning one Internet Protocol (IP) address to the single display controller associated with the plurality of displays;

assigning a unique port associated with the IP address to each of the browser applications;

receiving input from each of the input devices;

sending the input to a control application at a second location; and

receiving instructions for said browser applications from the control application.

15. The method of claim 14 further comprising:

    a)   providing a request for content from a web server based on the instructions;

    b)   receiving the content in response to the request for content; and

    c)   displaying the content on a corresponding one of the plurality of displays.

16. The method of claim 14 further comprising running a web server application at the second location to provide content to the browser applications.

17. The method of claim 14 further comprising using the control application to process the input and provide certain of the instructions for a corresponding one of the browser applications.

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18. The method of claim 14 further comprising using the control application to provide certain of the instructions for a corresponding one of the browser applications based on events or instructions unrelated to the input.

19. The method of claim 14 further comprising effecting control of a peripheral at the first location with instructions from the second location.

20. A system for supporting a multiple browser controller comprising:

a) communication electronics for communicating with the multiple browser controller; and

b) a control system associated with said communication electronics and adapted to:

i) receive user input sent from the multiple browser controller having a unique Internet Protocol (IP) address; and

ii) send instructions for browser applications running on the multiple browser controller based on the user input;

iii) receive a request from one of the browser applications corresponding to the instructions;

iv) send content to the multiple browser controller for display by the one of the browser applications, wherein the content sent to the multiple browser controller is addressed to a particular browser application by way of a unique port address associated with the unique IP address; and

v) send a command to a printer peripheral associated with the particular browser application to print coupons.

21. (Original) The system of claim 20 wherein said control system is adapted to provide certain of the instructions for the one of the browser applications based on events or instructions unrelated to the input.

28. The system of claim 13 wherein said plurality of displays and said display controller are associated with a kiosk.

29. The system of claim 13 further comprising the server, wherein the server is remote from said display controller and is adapted to run said control application.

30. The system of claim 29 wherein the ~~said~~ server is further adapted to run a web server application configured to provide content to the browser applications of the display controller.

31. The system of claim 29 wherein said control application is adapted to provide certain of the instructions for a corresponding one of the browser applications based on events or instructions unrelated to the input.

32. The system of claim 13 wherein, for each of said browser applications, said control system is further adapted to:

provide a request for content from a web server based on the instructions;

receive the content in response to the request for content; and

display the content on a corresponding one of said plurality of displays.

33. The system of claim 13 wherein said input devices include keys on at least one of said plurality of displays.